

UNITED STATES JUDICIAL PANEL  
on  
MULTIDISTRICT LITIGATION

16-2058

IN RE: NATIONAL FOOTBALL LEAGUE  
PLAYERS' CONCUSSION INJURY LITIGATION

MDL No. 2323

(SEE ATTACHED SCHEDULE)

**FILED**

APR 29 2016

CONDITIONAL TRANSFER ORDER (CTO -97)

MICHAEL E. KUNZ, Clerk  
By \_\_\_\_\_ Dep Clerk

On January 31, 2012, the Panel transferred 3 civil action(s) to the United States District Court for the Eastern District of Pennsylvania for coordinated or consolidated pretrial proceedings pursuant to 28 U.S.C. § 1407. *See* 842 F.Supp.2d 1378 (J.P.M.L. 2012). Since that time, 191 additional action(s) have been transferred to the Eastern District of Pennsylvania. With the consent of that court, all such actions have been assigned to the Honorable Anita B Brody.

It appears that the action(s) on this conditional transfer order involve questions of fact that are common to the actions previously transferred to the Eastern District of Pennsylvania and assigned to Judge Brody.

Pursuant to Rule 7.1 of the Rules of Procedure of the United States Judicial Panel on Multidistrict Litigation, the action(s) on the attached schedule are transferred under 28 U.S.C. § 1407 to the Eastern District of Pennsylvania for the reasons stated in the order of January 31, 2012, and, with the consent of that court, assigned to the Honorable Anita B Brody.

This order does not become effective until it is filed in the Office of the Clerk of the United States District Court for the Eastern District of Pennsylvania. The transmittal of this order to said Clerk shall be stayed 7 days from the entry thereof. If any party files a notice of opposition with the Clerk of the Panel within this 7-day period, the stay will be continued until further order of the Panel.

Inasmuch as no objection is  
pending at this time, the  
stay is lifted.

Apr 29, 2016

CLERK'S OFFICE  
UNITED STATES  
JUDICIAL PANEL ON  
MULTIDISTRICT LITIGATION

FOR THE PANEL:



Jeffery N. Lüthi  
Clerk of the Panel

**IN RE: NATIONAL FOOTBALL LEAGUE  
PLAYERS' CONCUSSION INJURY LITIGATION**

MDL No. 2323

**SCHEDULE CTO-97 – TAG-ALONG ACTIONS**

<b><u>DIST</u></b>	<b><u>DIV.</u></b>	<b><u>C.A.NO.</u></b>	<b><u>CASE CAPTION</u></b>
FLORIDA SOUTHERN			
FLS	0	16-60644	SCROGGINS v. NATIONAL FOOTBALL LEAGUE, INC.

AOR,CLOSED,STAYED

**U.S. District Court  
Southern District of Florida (Ft Lauderdale)  
CIVIL DOCKET FOR CASE #: 0:16-cv-60644-RNS**

16-2058

SCROGGINS v. NATIONAL FOOTBALL LEAGUE, INC.  
Assigned to: Judge Robert N. Scola, Jr  
Demand: \$5,000,000  
Case in other court: USDC Eastern Louisiana, 2:14-cv-02572  
Cause: 28:1332 Diversity-Racketeering (RICO) Act

Date Filed: 03/25/2016  
Date Terminated: 04/21/2016  
Jury Demand: Plaintiff  
Nature of Suit: 470 Racketeer/Corrupt Organization  
Jurisdiction: Diversity

**Plaintiff****TRACY SCROGGINS***individually and on behalf of all others similarly situated*

represented by **Phillip Timothy Howard**  
Howard & Associates  
2120 Killarney Way  
Suite 125  
Tallahassee, FL 32309  
850-298-4455  
Email: tim@howardjustice.com  
**ATTORNEY TO BE NOTICED**

**Plaintiff****QUINN GRAY***individually and on behalf of all others similarly situated*

represented by **Phillip Timothy Howard**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Plaintiff****DANNY GORRER***individually and on behalf of all others similarly situated*

represented by **Phillip Timothy Howard**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Plaintiff****ROSE STABLER***as spouse of the deceased Kenny Stabler*

represented by **Phillip Timothy Howard**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

**Plaintiff****JOSEPH HORN**

represented by **Phillip Timothy Howard**  
(See above for address)  
**ATTORNEY TO BE NOTICED**

V.

**Defendant****NATIONAL FOOTBALL LEAGUE, INC.**

Date Filed	#	Docket Text
03/25/2016	<u>1</u>	COMPLAINT against NATIONAL FOOTBALL LEAGUE, INC.. Filing fees \$ 400.00 receipt number 113C-8598850, filed by TRACY SCROGGINS. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summon(s))(Howard, Phillip) (Entered: 03/25/2016)
03/25/2016	<u>2</u>	Judge Assignment to Judge Robert N. Scola, Jr (pes) (Entered: 03/28/2016)
03/25/2016	<u>3</u>	Clerks Notice pursuant to 28 USC 636(c). Parties are hereby notified that the U.S. Magistrate Judge Alicia M. Otazo-Reyes is available to handle any or all proceedings in this case. If agreed, parties should complete and file the attached form. (pes) (Entered: 03/28/2016)
03/25/2016	<u>4</u>	Summons Issued as to NATIONAL FOOTBALL LEAGUE, INC. (pes) (Entered: 03/28/2016)
03/31/2016	<u>5</u>	ORDER Requiring Amended Class Action Complaint. (Amended Pleadings due by 4/18/2016.) Signed by Judge Robert N. Scola, Jr on 3/31/2016. (pes) (Entered: 03/31/2016)
04/01/2016	<u>6</u>	First AMENDED COMPLAINT against NATIONAL FOOTBALL LEAGUE, INC., filed by TRACY SCROGGINS. (Howard, Phillip) (Entered: 04/01/2016)
04/01/2016	<u>7</u>	Clerks Notice to Filer re <u>6</u> Amended Complaint. <b>Parties Not Added</b> ; ERROR - The Filer failed to add all parties to the case. Filer is instructed to file a Notice of Entry of Parties and add the additional parties. (asl) (Entered: 04/01/2016)

04/01/2016	<u>8</u>	Notice of Entry of Parties Listed NOTE: New Filer(s) will appear twice, since they are also a new party in the case. New Filer(s)/Party(s): QUINN GRAY, DANNY GORRER and ROSE STABLER, QUINN GRAY, DANNY GORRER and ROSE STABLER.. Attorney Phillip Timothy Howard added to party QUINN GRAY(pty:pla), Attorney Phillip Timothy Howard added to party DANNY GORRER(pty:pla), Attorney Phillip Timothy Howard added to party ROSE STABLER (pty:pla). (Howard, Phillip) (Entered: 04/01/2016)
04/05/2016	<u>9</u>	ORDER Requiring Second Amended Class Action Complaint, ( Second Amended Pleading due by 4/18/2016.) Signed by Judge Robert N. Scola, Jr on 4/5/2016. (pes) (Entered: 04/05/2016)
04/18/2016	<u>10</u>	Second AMENDED COMPLAINT against NATIONAL FOOTBALL LEAGUE, INC., filed by ROSE STABLER, DANNY GORRER, TRACY SCROGGINS, QUINN GRAY.(Howard, Phillip) (Entered: 04/18/2016)
04/19/2016	<u>11</u>	Clerks Notice to Filer re <u>10</u> Amended Complaint. <b>Parties Not Added</b> ; ERROR - The Filer failed to add all parties. Filer is instructed to file a Notice of Entry of Parties and add the additional parties (Joseph Horn). (tpl) (Entered: 04/19/2016)
04/19/2016	<u>12</u>	Notice of Entry of Parties Listed NOTE: New Filer(s) will appear twice, since they are also a new party in the case. New Filer(s)/Party(s): JOSEPH HORN and JOSEPH HORN.. Attorney Phillip Timothy Howard added to party JOSEPH HORN (pty:pla). (Howard, Phillip) (Entered: 04/19/2016)
04/21/2016	<u>13</u>	ORDER STAYING and Administratively Closing Case Pending Transfer to MDL No. 2323. Signed by Judge Robert N. Scola, Jr on 4/21/2016. (pes)  <b>NOTICE: If there are sealed documents in this case, they may be unsealed after 1 year or as directed by Court Order, unless they have been designated to be permanently sealed. See Local Rule 5.4 and Administrative Order 2014-69.</b> (Entered: 04/22/2016)
04/29/2016	<u>14</u>	CONDITIONAL TRANSFER ORDER (CTO-97) transferring case to the Eastern District of Pennsylvania re: MDL 2323 for consolidated pretrial proceedings pursuant to 28 USC 1407 and assigned to the Honorable Anita G. Brody. (Signed by Jeffery N. Luthi, Clerk of the Panel). (gp) (Entered: 04/29/2016)
04/29/2016		SYSTEM ENTRY - Case 0:16-cv-60644 electronically transferred out to Pennsylvania Eastern. (gp) (Entered: 04/29/2016)

PACER Service Center			
Transaction Receipt			
04/29/2016 14:45:50			
PACER Login:	ud1652:4263085:0	Client Code:	
Description:	Docket Report	Search Criteria:	0:16-cv-60644-RNS
Billable Pages:	2	Cost:	0.20

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assigning to the appropriate calendar.

Address of Plaintiff: FL-S

Address of Defendant: \_\_\_\_\_

Place of Accident, Incident or Transaction: \_\_\_\_\_  
(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?  
(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a)) Yes ☐ No ☐

Does this case involve multidistrict litigation possibilities? Yes ☐ No ☐

RELATED CASE, IF ANY:  
Case Number: MDL 2323-TR Judge Brody Date Terminated: \_\_\_\_\_

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☐
2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?  
Yes ☐ No ☐
3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?  
Yes ☐ No ☐
4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?  
Yes ☐ No ☐

CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases
11. ☐ All other Federal Question Cases  
(Please specify) \_\_\_\_\_

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☒ Motor Vehicle Personal Injury
6. ☒ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify) 4/29/16

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, \_\_\_\_\_, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: \_\_\_\_\_ Attorney-at-Law \_\_\_\_\_ Attorney I.D.# \_\_\_\_\_

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 4/29/16 Eric Sobieski \_\_\_\_\_  
Attorney-at-Law \_\_\_\_\_ Attorney I.D.# \_\_\_\_\_